



Journal of the House

State of Indiana

112th General Assembly

First Regular Session

Nineteenth Meeting Day

Tuesday Afternoon

February 13, 2001

The House convened at 1:00 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Bill Blakley, Berean Baptist Church, Greenwood, the guest of Representative Charles W. Burton.

The Pledge of Allegiance to the Flag was led by Harley Guynn, a Pearl Harbor survivor.

The Speaker ordered the roll of the House to be called:

T. Adams	Hoffman
Aguilera	Kersey
Alderman	Klinker
Atterholt	Kromkowski
Avery	Kruse
Ayres	Kruzan
Bardon	Kuzman
Bauer	Lawson
Becker	Leuck
Behning •	Liggett
Bischoff	J. Lutz
Bodiker	Lytle
Bosma	Mahern
Bottorff	Mangus
C. Brown	Mannweiler
T. Brown	McClain
Buck	Mellinger
Budak	Mock
Buell	Moses •
Burton	Munson
Cheney	Murphy
Cherry	Oxley
Cochran	Pelath
Cook •	Pond
Crawford	Porter
Crooks	Richardson
Crosby	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dillon	Scholer
Dobis	M. Smith
Dumezich	V. Smith
Duncan	Steele
Dvorak	Stevenson
Espich	Stilwell
Foley	Sturtz
Frenz	Summers
Friend	Thompson
Frizzell •	Tincher
Fry	Torr
GiaQuinta	Turner
Goeglein	Ulmer
Goodin	Weinzapfel
Grubb	Welch
Harris	Whetstone
Hasler	Wolkins
Herndon	D. Young
Herrell	Yount
Hinkle	Mr. Speaker

Roll Call 63: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: • indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 14, 2001, at 1:00 p.m.

CHENEY

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 28 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as author of House Bill 1585, Representative Hinkle be substituted as author, and Representative Kuzman be added as coauthor.

KUZMAN

Motion prevailed.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative Crosby.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 16

Representatives Kruzan and Welch introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION memorializing Nimit Moore.

Whereas, On January 16, 2001, Nimit Moore was tragically shot to death with a machine gun in his homeland of Mali, West Africa;

Whereas, This shooting ended the life of an extraordinary human being;

Whereas, Nimit came to the United States when he was adopted by Raymond and Tona Moore of Bloomington, Indiana, in 1986 at the age of 11;

Whereas, Before his arrival in Bloomington, Nimit had spent his entire life as a nomad, tending goats and camels on the scorching sands of the Sahara Desert;

Whereas, Raymond and Tona Moore learned about Nimit's plight from a video that displayed a malnourished 11-year-old boy who had struck out on his own when he was ten years old;

Whereas, Nimit was an amazing child, displaying an enormous capacity to learn and a love of learning rarely seen in one so young;

Whereas, Nimit's love for his brother, Adam, was demonstrated by the pride he took in teaching him about the English language;

Whereas, Nimit refused to forget his roots and loved his native land;

Whereas, Nimit was happiest riding a camel in the middle of the desert, which is what he was doing just two weeks before his death;

Whereas, His family and friends can take comfort in the fact that Nimit experienced tremendous joy during his relatively short lifetime; and

Whereas, Nimit improved the lives of everyone he met and will be greatly missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to extend its condolences to the family of Nimit Moore.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Nimit Moore.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

House Concurrent Resolution 17

Representatives Liggett and Mock introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION urging congressional support for the Railroad Retirement and Survivors' Improvement Act.

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 is designed to improve significantly both the financing and benefits of railroad retirement and to increase industry responsibility for the part of the program that is similar to a private pension plan;

Whereas, The Railroad Retirement and Survivors' Improvement Act of 2000 was approved in a bipartisan effort by 391 members of the United States House of Representatives in the 106th Congress, including nine of the ten members of the Indiana congressional delegation;

Whereas, More than 80 United States senators, including Indiana Senators Richard Lugar and Evan Bayh, signed letters of support for this legislation in 2000;

Whereas, The bill, now before the 107th Congress, modernizes the railroad retirement system for 748,000 beneficiaries nationwide, including over 15,000 in Indiana;

Whereas, Railroad management, labor, and retiree organizations have agreed to support this legislation;

Whereas, This legislation provides tax relief to freight railroads, Amtrak, and commuter lines;

Whereas, This legislation provides benefit improvements for surviving spouses of rail workers who under current law suffer deep cuts in income when the rail retiree dies;

Whereas, No outside contributions from taxpayers are needed to implement the changes called for in this legislation; and

Whereas, All changes will be paid from within the railroad industry, including a full share by active employees: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly urges the United States Congress to support the Railroad Retirement and Survivors' Improvement Act in the 107th Congress.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and all members of the Indiana congressional delegation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Paul and R. Young.

House Concurrent Resolution 18

Representative Atterholt introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION honoring Dr. James Steichen's 25 years of association with the Indiana Hand Center and his contribution to medicine and the State of Indiana.

Whereas, Dr. James B. Steichen is a resident of Indianapolis, President of the Indiana Hand Center and Chairman of the Department of Hand Surgery at St. Vincent Hospitals and Health Services in Indianapolis;

Whereas, Dr. Steichen also served as Surgeon in Chief at St. Vincent Hospitals and Health Services from 1991 to 1997;

Whereas, Dr. Steichen completed fellowship training for hand surgery at Indiana University School of Medicine, St. Vincent Hospital and for microvascular and hand surgery at St. Vincent's Hospital—Microsurgery Research Center, Melbourne Australia; Hiroshima University School of Medicine, Hiroshima, Japan; and Ralph K. Davies Medical Center, Franklin Hospital, San Francisco, California;

Whereas, Dr. Steichen has served on the Executive Council of the American Society for Surgery of the Hand, as President of the Hand Study Society, as President of the American Society for Reconstructive Microsurgery, as President of the International Society of Reconstructive Microsurgery, and as Vice President of the Pan-Pacific Surgical Association;

Whereas, Dr. Steichen was named Associate member of the Académie de Chirurgie in Paris in January, 2001;

Whereas, Dr. James Steichen has served as the President of the Beethoven Foundation, President of the American Pianists Association and is currently Chairman of the Board of Directors of the Indianapolis Symphony Orchestra;

Whereas, Dr. Steichen has served his community as a member of the Board of Directors and Chief Physician for Indiana Golden Gloves, as a Medical Advisory Board member of Crossroads Rehabilitation Center, as a member of the medical staff and consultant hand and microvascular surgeon for the Indianapolis 500 and United States Auto Club, as a member of the Board of Directors for the Indiana Medical History Museum, as a mentor at Park Tudor K-8 school, as a member of the Board of Directors for the Foundation for Hand Research and Education, and as a member of the Board of Directors for the Society of the Friends of Music of Indiana University School of Music; and

Whereas, Dr. James B. Steichen was a 1993 recipient of the Sagamore of the Wabash and the 1999 recipient of the Indianapolis Medical Society Otis R. Bowen Physician Community Service Award which constitutes the most significant local award presented to a physician to recognize his contribution to his community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the sacrifices and volunteerism of Dr. James B. Steichen on behalf of the our communities and recognize Dr. Steichen for his 25 year association with The Indiana Hand Center on the occasion of its annual Partner's Meeting this 9th day of February, 2001.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Dr. James B. Steichen and members of The Indiana Hand Center.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Clark.

House Concurrent Resolution 19

Representatives Pelath and Budak introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION congratulating the Marquette High School, Michigan City, Indiana, volleyball team, winners of the 2000 Class A state volleyball championship.

Whereas, The Marquette High School volleyball team from Michigan City, Indiana, is the 2000 Class A state champions for the second consecutive year;

Whereas, Marquette ended its championship season with a 38-2 record;

Whereas, The school's championship was not the result of one team member, but was a total team effort;

Whereas, Several members of the team received additional honors. Meredith Burns was named the 2000 Mental Attitude Award winner, Kelly Cochran was named the LaPorte Invitational MVP, Kelly Cochran and Lesley Pahs were named to the 1st Team All State, Lauren Laramore and Meredith Burns were named to the 2nd Team All State, Kelly Cochran and Meredith Burns were named to the News-Dispatch All Area 1st Team, and Lauren Laramore and Lesley Pahs were named to the News-Dispatch All Area 2nd Team;

Whereas, Coach James Dove also received special recognition for his exceptional coaching ability and was selected Class A State Coach of the Year and the News-Dispatch Coach of the Year; and

Whereas, Athletic accomplishments such as this deserve special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Marquette High School volleyball team on its stunning repeat victory and to wish team members continued success in the years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Lauren Laramore, Rachel Zdyb, Danielle Fogus, Kelly Cochran, Lesley Pahs, Samantha Svetic, Meredith Burns, Alicia Warner, Anna Macudzinski, Colleen Wall, Elizabeth Shikany, Jen Meyer, Mary Shikany, and Colette Hausoul; coach James Dove; and Principal Patrick Cannon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bowser.

House Concurrent Resolution 20

Representatives Friend, McClain, Turner, and Denbo introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION in recognition of Betsy Bobel, Miss Indiana 2000, for her scholastic honors and accomplishments.

Whereas, Betsy Bobel is a 1995 graduate of Maconaquah High School;

Whereas, Miss Bobel is a 1999 graduate of Ball State University, with a bachelor of Science in Dietetics;

Whereas, Miss Bobel was on the Dean's List, a member of the Phi Upsilon Omicron honorary sorority and awarded the Academic Athletic Presidential Award at Ball State University;

Whereas, Miss Bobel is a fifteen year performer in the Peru Amateur Circus in tumbling and trapeze acts;

Whereas, Miss Bobel designed and published a recipe coloring book for children, which was sponsored by Cole Brothers' Water;

Whereas, Miss Bobel has promoted calcium consumption for the Indiana Dairy Council;

Whereas, Miss Bobel is a volunteer for the Circus City Festival, WIC and Meals on Wheels; and

Whereas, Miss Bobel aspires to obtain a Master's Degree in communications and to eventually become a spokeswoman for nutrition promotion and education.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commends Betsy Bobel, Miss Indiana 2000, for her scholastic honors and accomplishments.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives transmit a copy of this resolution to Betsy Bobel.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Weatherwax.

House Concurrent Resolution 21

Representatives Welch and Kruzan introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION honoring Sara Fields, Bloomington North High School, Bloomington, Indiana, on the occasion of her state championship in the discus competition at the IHSAA Girls Track and Field State Finals.

Whereas, Sara Fields of Bloomington North High School ended her senior year by winning the state championship in the discus competition with a throw of 158 feet 7 inches at the 27th Annual IHSAA Girls Track and Field State Finals at Carroll Stadium in Indianapolis, Indiana;

Whereas, Sara's throw of 158 feet 7 inches was the longest achieved in state meet history;

Whereas, In addition to her state championship, Sara Fields was selected by the IHSAA executive committee as the 2000 recipient of the Mental Attitude Award in girls track and field;

Whereas, Sara Fields is truly an all-around athlete as demonstrated by the fact that she was a three year letter winner in volleyball for the Bloomington North Cougars;

Whereas, In addition to her prowess on the athletic field, Sara academically ranks among the best in her senior class with a 3.8 grade point average, and she serves as secretary for her school's chapter of the National Honor Society; and

Whereas, Accomplishments such as these deserve special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate Sara Fields on her state championship and to wish her continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sara Fields, the principal of Bloomington North High School, and the athletic director of Bloomington North High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Simpson.

House Concurrent Resolution 22

Representatives Cochran, Bischoff, Bottorff, Gregg, Lytle, Denbo, Goodin, Robertson, Bodiker, Welch, Oxley, Hoffman, and Duncan introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION urging Congress to rename the Federal Building in New Albany, Indiana, in honor of former Congressman Lee Hamilton.

Whereas, Lee H. Hamilton was born in Daytona Beach, Florida, April 20, 1931;

Whereas, Congressman Hamilton was raised in Evansville, Indiana, but considers Nashville, Indiana, his hometown;

Whereas, Congressman Hamilton received his bachelor's degree from DePauw University in 1952 and his Doctor of Jurisprudence Degree from Indiana University in 1956;

Whereas, While attending college, Congressman Hamilton excelled not only in the classroom but also on the basketball court;

Whereas, Congressman Hamilton was first elected to Congress in 1964 from Indiana's 9th District;

Whereas, Congressman Hamilton served in the House of Representatives from 1965 until 1999;

Whereas, Congressman Hamilton faithfully represented the citizens of Indiana's 9th District for 34 years—17 Congressional terms;

Whereas, Once in office he walked a moderate line on social and economic issues, but was a strong advocate of U.S. international involvement;

Whereas, Congressman Hamilton also earned a reputation as one of the Democratic Party's most thoughtful leaders in the realm of foreign policy;

Whereas, Congressman Hamilton was chairman of the House Intelligence Committee, the House chairman of the Iran-Contra Committee from 1987 to 1988, and chairman of the House Foreign Affairs Committee from 1993 to 1995;

Whereas, When the Republicans became the majority in the House, Hamilton became the ranking Democrat on the House Foreign Affairs Committee;

Whereas, While serving in Congress, he received numerous public service awards, including the Paul H. Nitze Award for Distinguished Authority on National Security Affairs, the Philip C. Habib Award for Distinguished Public Service, the Indiana Humanities Council Lifetime Achievement Award, and the U.S. Association of Former Members of Congress Statesmanship Award;

Whereas, Although Congressman Hamilton has left Congress, he has not gone very far;

Whereas, Congressman Hamilton was named the director of the Woodrow Wilson International Center for Scholars in Washington, D.C., which is the federally supported institution on international affairs that "mixes the world of ideas with the world of policy";

Whereas, Congressman Hamilton will also serve as the director of the Center on Congress at Indiana University; and

Whereas, Accomplishments such as Congressman Hamilton's deserve special recognition: Therefore

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges Congress to rename the Federal Building in New Albany, Indiana, in honor of former Congressman Lee Hamilton.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to former Congressman Hamilton, the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and members of the Indiana congressional delegation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Sipes, Lewis, and Nugent.

House Resolution 3

Representative V. Smith introduced House Resolution 3:

A HOUSE RESOLUTION to honor Hazel Bratton Sanders on receiving her diploma from the Gary Community School Corporation more than forty years after being the target of racial injustice while a high school student in Gary, Indiana.

Whereas, Hazel Bratton Sanders lived through a bitter chapter in Gary, Indiana history, namely the effort to integrate Gary Schools in 1927;

Whereas, Hazel Bratton Sanders, at just 14 years of age, was selected as one of eleven African American teens to integrate Emerson High School in September 1927;

Whereas, Hazel Bratton Sanders was met immediately with intolerance when she began attending Emerson High School in that some teachers refused to instruct her while others refused her entry into the classroom;

Whereas, Hazel Bratton Sanders was intimidated by jeering students and threatened with physical violence while she matriculated at Emerson High School;

Whereas, the threats of physical violence became more deadly when some Caucasian students protested the presence of the African

American students and threatened to stone Hazel Bratton Sanders and the other African American students if they continued to attend Emerson High School;

Whereas, the protest lasted for a few days so that Hazel Bratton Sanders and the other African American students were taken out of Emerson High School;

Whereas, Hazel Bratton Sanders subsequent efforts to enroll in East Pulaski High School in order to finish school failed;

Whereas, the entire experience caused Hazel Bratton Sanders to become so ill that she eventually gave up and dropped out of school;

Whereas, education remained an important value for Hazel Bratton Sanders so that after fifteen years of marriage and while raising a twelve year old daughter, Hazel Bratton Sanders continued her education through a correspondence course and obtained her high school diploma in 1946;

Whereas, Hazel Bratton Sanders continued her education by taking courses whenever she could at Roosevelt College in Chicago, Illinois;

Whereas, on January 23, 2001 the Gary Community School Corporation honored Hazel Bratton Sanders, the sole survivor among the original eleven African American students, and the ten deceased students posthumously, with High School Diplomas in recognition of their courage and perseverance during a racially charged time in the history of the Gary public schools; and

Whereas, Hazel Bratton Sanders is a role model of courage, determination and perseverance for African American teens and all teens in her zeal to obtain an education in spite of difficult challenges and controversy in her educational journey: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes Hazel Bratton Sanders as a civil rights leader in the effort to integrate the Gary public schools, specifically for her determination and perseverance in obtaining a high school diploma on her own and for continuing to educate herself as circumstances allowed in spite of the trauma she suffered in an attempt to integrate Gary, Indiana's Emerson High School in 1927.

SECTION 2. That the Indiana House of Representatives congratulates Hazel Bratton Sanders on her recognition by the Gary Community School Corporation with the award of her High School Diploma more than forty years after her courageous effort to integrate Emerson High School in 1927.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Hazel Bratton Sanders and the Gary Community School Corporation.

The resolution was read a first time and adopted by voice vote.

House Resolution 4

Representative Frenz introduced House Resolution 4:

A RESOLUTION honoring Laura Seib Wyatt on the occasion of her induction into the University of Evansville Athletic Hall of Fame.

Whereas, Laura Seib Wyatt, a 1981 graduate of Gibson Southern High School, was recently inducted into the University of Evansville Athletic Hall of Fame;

Whereas, During her career at the University of Evansville, Laura Seib Wyatt was a GTE Second Team All-American volleyball player and set four school records in volleyball;

Whereas, Laura, a physical therapist at Gibson General Hospital in Princeton, Indiana, also enjoyed recognition academically, including being named the University of Evansville's outstanding physical therapy student;

Whereas, Laura's accomplishments live on in the hallowed halls of the University of Evansville where she still ranks among the top six players in career kills, attempts, attack percentages, and service aces;

Whereas, Laura is still active in the sport of volleyball. For the last two years she has coached the South Knox High School varsity

volleyball team after having served one year as the junior varsity coach; and

Whereas, The accomplishments of Laura Seib Wyatt, both on and off the volleyball court, truly deserve special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate Laura Seib Wyatt on her induction into the Evansville Athletic Hall of Fame and to wish her continued success in all her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Laura Seib Wyatt.

The resolution was read a first time and adopted by voice vote.

House Resolution 5

Representative Oxley introduced House Resolution 5:

A RESOLUTION memorializing C. Noble Bernardi.

Whereas, C. Noble Bernardi died Tuesday, December 12, 2000, at the age of 86 in Leavenworth, Indiana;

Whereas, C. Noble Bernardi, a native of Perry County, was born February 26, 1914;

Whereas, Mr. Bernardi earned his undergraduate degree at Oakland City College and his master's degree and principal's license from Indiana University;

Whereas, Mr. Bernardi had been a school teacher and administrator for 41 years;

Whereas, Mr. Bernardi began his education career as a teacher at McClain School, which was located between Marengo, Indiana, and Leavenworth, Indiana;

Whereas, During his 41-year teaching career, Mr. Bernardi held many positions, rising to the level of assistant superintendent of Crawford County schools at the time of his retirement in the mid-1970s;

Whereas, Mr. Bernardi did not limit himself to the world of education;

Whereas, Mr. Bernardi served as chairman of the Crawford County Democratic Central Committee;

Whereas, Mr. Bernardi is remembered as an able leader and a very easy person to work with;

Whereas, Mr. Bernardi was extremely knowledgeable when it came to politics and is remembered as a person who "knew about everything to do with the party";

Whereas, Throughout his life, Mr. Bernardi instructed the children of Indiana and helped to prepare them for life, and he helped to instill a love of country and state into the members of the Crawford County Democratic Party; and

Whereas, Mr. Bernardi touched the lives of many people during his lifetime, and he will be sorely missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its deepest sympathy to the family of C. Noble Bernardi and to acknowledge its gratitude for his contributions to the state of Indiana and its citizens.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family and C. Noble Bernardi, his wife Amzel, his two sons, his three grandchildren, and three great-grandchildren.

The resolution was read a first time and adopted by voice vote.

House Resolution 6

Representative Fry introduced House Resolution 6:

A RESOLUTION recognizing and honoring Shirley Hatfield upon her retirement from Moran Elementary School in Osceola, Indiana.

Whereas, Shirley Hatfield has worked tirelessly for 30 years in the Penn-Harris-Madison School Corporation at Moran and Osceola schools in Osceola, Indiana;

Whereas, Most of those 30 years were spent as a teacher's aide, but Shirley was always willing to do whatever was necessary;

Whereas, It is Shirley's great love for children that inspired her to come back year after year;

Whereas, Shirley began her life as a school volunteer because her four children were attending these schools, but she found that she enjoyed it so much she continued long after her own children had graduated;

Whereas, A role Shirley especially loved was helping children learn to read;

Whereas, Shirley found that the secret to teaching, whether it is reading or any other subject, was to make it enjoyable;

Whereas, Shirley's work frequently involved working with young children at the elementary level, a role she found tremendously rewarding;

Whereas, Another part of the job she especially enjoyed was seeing how former students had grown up;

Whereas, In her 30 years in the Penn-Harris-Madison School Corporation, Shirley has worked with five principals and served under four superintendents;

Whereas, Shirley's retirement has brought mixed feelings for the students and faculty of Moran School. They all will miss her greatly but know they will see her again;

Whereas, Shirley, however, will never truly retire. She plans to continue as coordinator of volunteers; and

Whereas, Shirley Hatfield has touched the lives of hundreds of students during her 30 years in the school system and each life is better because she touched it: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to thank Shirley Hatfield for the many contributions and countless hours she has given to the betterment of the educational system of Indiana and to recognize her tireless efforts that affected so many young lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Shirley Hatfield and her family.

The resolution was read a first time and adopted by voice vote.

House Resolution 7

Representatives Porter and Hoffman introduced House Resolution 7:

A HOUSE RESOLUTION commending the Indiana Vocational and Technical Education system and recipients of the Indiana Vocational Education Awards for Excellence.

Whereas, the people of Indiana take great pride in recognizing the accomplishments of Indiana's educational system through its outstanding students, programs, guidance/personnel services and partnerships;

Whereas, on February 13, 2001 the recipients of the Seventeenth Annual Indiana Vocational Education Awards for Excellence are being announced;

Whereas, the Awards for Excellence Program recognizes vocational students, programs, guidance/personnel services and partnerships that exemplify excellence in vocational and technical education and recipients are identified as a result of a highly competitive selection process; and

Whereas, this year's recipients of these prestigious awards are as follows:

Secondary Students

Breanna Beike
Porter County Vocational Ed.
Culinary Sciences

Christina Lane
Southeastern Career Center
Graphic Communications

David Miedema, Jr.
Elkhart Area Career Center
Industrial Electronics

Brandi Powell
El-Tip-Wa Career Center
Health Occupations

James Roberts (Eli)
Kokomo Area Career Center
Television Production

Rebekah Romine
Columbia City High School
Comp. Acct./Spreadsheet Data

Carmen Smith
Elkhart Area Career Center
Cosmetology

Ryan Stickler
Elkhart Area Career Center
Automotive Technology

Rachel Wilson
South Central Career Center
Health Occupations

Brian Wuchner
Area 31 Career Center
Computer Repair & Networking

Postsecondary Students

Carolyn Burgess
Vincennes University
Computer Programming Tech.

Christina Christian-Johnson
Ivy Tech State College-Columbus
Practical Nursing

Tamara Fosnight
Ivy Tech State College—Muncie
Business Administration

Megan Grady
Vincennes University
Broadcasting

Tom Jones
Vincennes University
Business Management

Dean Liggett
Ivy Tech State College—Elkhart
Design Tech.—Architecture Spec.

Gail Pope
Ivy Tech State College—Richmond
Child Development

Elisha Priebe
Purdue University
Agricultural Education

Diana Vigar
Ivy Tech State College—Logansport
Child Development

Sarah Ward
Ivy Tech State College—Indianapolis
Office Administration
Hotel-Motel Management

Guidance/Personnel Services
Career & Employment Services
Ivy Tech State College—Gary

Substance Abuse Intervention Program
Vincennes University

Programs
Secondary Programs
Auto Services Technology
McKenzie Career Center

Machine Trades
Central Nine Career Center

Postsecondary Programs
Automotive Technology
Ivy Tech State College—Richmond

Public Safety Technology (fire science)
Ivy Tech State College—Indianapolis

Partnerships
Porter County Vocational Education/Porter County Builders
Association

Talbert Manufacturing/Indiana Trails Career Cooperative/
Rensselaer Central School Corporation / West Central School
Corporation

Whereas, the success and accomplishments of these individuals
and programs reflect favorably upon Indiana's education system,
their respective communities and the entire State of Indiana;
Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives commends the
Indiana Vocational Education System and congratulate all recipients of the
Seventeenth Annual Indiana Vocational Education Awards for Excellence for
their outstanding achievements.

SECTION 2. The Clerk of the House of Representatives s hereby directed
to transmit copies of this resolution to Terry R. Fields, State Director of
Vocation and Technical Education, the Indiana Association of Career and
Technical Education President, and to all recipients of the Seventeenth
Annual Indiana Vocational Education Awards for Excellence.

The resolution was read a first time and adopted by voice vote.

House Resolution 8

Representative Oxley introduced House Resolution 8:

A RESOLUTION memorializing Walter A. Roggenkamp.

Whereas, After battling health problems for several years, Walter
A. Roggenkamp, a resident of Milltown, Indiana, died on
Wednesday, December 6, 2000, in Corydon, Indiana;

Whereas, Walter, the son of E.K. and Florence Herdt
Roggenkamp, was born November 27, 1925, in Louisville,
Kentucky;

Whereas, Walter and his family moved to Milltown, Indiana,
where he attended Milltown High School;

Whereas, In 1944, Walter enlisted in the Navy, seeing action during World War II, and was discharged in 1946 following a knee injury;

Whereas, Walter married his wife, Barbara, on November 27, 1955, his 30th birthday, and they recently celebrated their 45th wedding anniversary;

Whereas, Walter and Barbara had two children—Walter Rusk and Suellen;

Whereas, Walter was extremely active in his community, helping his fellow townspeople any way that he could;

Whereas, Walter took great pride in his town and the surrounding area, joining many civic organizations, including the Milltown Masonic Lodge 661, the Order of Eastern Star 412, the Scottish Rite Valley of Evansville, Hadi Shrine Temple of Evansville, the Odd Fellows Lodge, Knights of Pythias, and Ramsey Spencer Grange 2215;

Whereas, In addition to his duties at the E.K. Roggenkamp automobile dealership, which he owned in a partnership with other family members, Walter served for more than 30 years on the Milltown Volunteer Fire Department;

Whereas, Walter was also a member of the board of directors of the First National Bank of Milltown, Liberty National Bank, and Bank One;

Whereas, Walter's religion brought him great comfort throughout his life and influenced him greatly;

Whereas, Walter was a member of the Milltown Christian Church, where he served for more than 20 years as an elder; and

Whereas, Walter A. Roggenkamp touched the lives of many people in Milltown, Indiana, and throughout Indiana, and he will be sorely missed: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives wishes to express its deepest sympathy to the family of Walter Roggenkamp.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Walter Roggenkamp.

The resolution was read a first time and adopted by voice vote.

House Resolution 10

Representative V. Smith introduced House Resolution 10:

A HOUSE RESOLUTION to honor Georgiana Hart for her service and dedication to the civic, social and faith community of Gary, Indiana.

Whereas, Georgiana Hart has lived all of her formative and adult life in Gary, Indiana, graduating from Roosevelt High School in 1936;

Whereas, Georgiana Hart served the community of Gary as an LPN at Gary Mercy Hospital for over 35 years;

Whereas, Georgiana Hart has participated in many civic and social organizations lending her support toward efforts that would better her community. She remains an active member of the Israel C.M.E. church where she has been a member all her life: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That Georgiana Hart be commended and recognized for her contributions to the civic, social and faith community of Gary, Indiana.

SECTION 2. That the Clerk of House is directed to transmit a copy of this resolution to Georgiana Hart.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 28

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representatives GiaQuinta, Goeglein, and Pond:

A CONCURRENT RESOLUTION memorializing Phillip E. O'Shaughnessy, D.D.S., M.S.D.

Whereas, Philip E. O'Shaughnessy recently lost his long struggle with pancreatic cancer;

Whereas, During his lifetime, Philip E. O'Shaughnessy served the people of Allen County and the state of Indiana faithfully for many years;

Whereas, Dr. O'Shaughnessy was born August 11, 1934, in Chicago, Illinois;

Whereas, Dr. O'Shaughnessy and his family later moved to Fort Wayne, Indiana, where he attended South Side High School;

Whereas, In 1955, Phillip married Roberta Jean Rychener, a union that produced six children—Stephen, Mark, Patricia, Sandra, Andrew, and Susan;

Whereas, Dr. O'Shaughnessy received his undergraduate degree from Indiana University and his D.D.S. and M.S.D. degrees from the Indiana University School of Dentistry, where he majored in oral diagnosis and oral medicine;

Whereas, In addition to his work as a coroner, Dr. O'Shaughnessy maintained his own private dental practicing specializing in periodontics and was an assistant professor at the Indiana University School of Dentistry, an adjunct associate professor at the Indiana University School of Medicine, Department of Anatomy, an instructor at the Department of Criminal Justice at Indiana University—Purdue University Fort Wayne, a consultant at the Fort Wayne State Hospital and Training Center, a consultant for the Indiana State Coroner's Association, an associate instructor for the Fort Wayne Police Academy, and a member and consultant to the Coroners Training Board;

Whereas, Dr. O'Shaughnessy also found time in his busy schedule to become a published author with articles appearing in such respected publications as the Journal of Dental Research, Oral Surgery, Oral Medicine, and Oral Pathology, the Journal of the American Dental Association, the Journal of Dental Education, and the Indiana Dentist;

Whereas, Throughout his distinguished career, Dr. O'Shaughnessy received many honors, including the American Academy of Roentgenology Award, the Roentgenology Interpretation Award, the U.S. Public Health Service Post-Graduate Fellowship, the Isaac Knapp Dental Society Distinguished Service Award, the Indiana University School of Dentistry Alumnus of the Year Award, the Fort Wayne Rescue Mission's Volunteer of the Year Award, the Indiana Association of Counties Outstanding Coroner of the Year Award, Indiana University—Purdue University Fort Wayne's Ralph E. Broyles Medal, Fellow of the International College of Dentists, South Side High School Distinguished Alumnus, and he was a Sagamore of the Wabash;

Whereas, Dr. O'Shaughnessy served as Allen County coroner from 1985 until 1993 and from 1997 until his death January 16, 2001;

Whereas, Dr. O'Shaughnessy always found time in his busy schedule to help the less fortunate by volunteering his time and expertise as a dentist at the Fort Wayne Rescue Mission, and by serving as president of the board of directors of the Matthew 25 Clinic and the Fort Wayne Area Coordinator of Focus on Health;

Whereas, Dr. O'Shaughnessy's caring and compassionate nature truly knew no boundaries. He donated his time to the less fortunate in other countries by participating in dental missions to Esquipulas, Guatemala, and Quito, Ecuador; and

Whereas, Men like Phillip E. O'Shaughnessy come along once in a lifetime. He was beloved by all who knew him and will be greatly missed by his family and friends: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Dr. Phillip E. O'Shaughnessy and its appreciation for the many hours of dedicated service he gave to the people of Indiana.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the family of Phillip E. O'Shaughnessy, his wife Roberta and children Stephen, Mark, Patricia, Sandra, Andrew, and Susan.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Human Affairs, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, delete lines 22 through 42, begin a new paragraph and insert:

"(k) The commission shall state its findings of fact after a hearing and, if the commission finds a person has engaged in an unlawful discriminatory practice, shall cause to be served on this person an order requiring the person to cease and desist from the unlawful discriminatory practice and requiring the person to take further affirmative action as will effectuate the purposes of this chapter, including but not limited to the power:

(A) to restore **the** complainant's losses incurred as a result of discriminatory treatment, as the commission may deem necessary to assure justice; however, this specific provision when applied to orders pertaining to employment shall include only wages, salary, or commissions;

(B) to require the posting of notice setting forth the public policy of Indiana concerning civil rights and respondent's compliance with the policy in places of public accommodations;

(C) to require proof of compliance to be filed by **the** respondent at periodic intervals; and

(D) to require a person who has been found to be in violation of this chapter and who is licensed by a state agency authorized to grant a license to show cause to the licensing agency why **his** **the** license should not be revoked or suspended."

Page 8, delete lines 1 through 15.

Page 9, delete lines 20 through 42.

Page 10, delete lines 1 through 10.

Page 10, delete lines 34 through 42.

Delete page 11.

Page 12, delete lines 1 through 8.

Page 12, line 11, delete "IC 22-9-1-6 and" and insert "(a) A".

Page 12, delete lines 12 through 17.

Page 12, line 18, delete "(2) a".

Page 12, line 18, after "commissioner" insert "**of labor**".

Page 12, run in lines 11 and 18.

Page 12, line 23, before "The", begin a new paragraph and insert:

"(b)".

(Reference is to HB 1022 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

STEVENSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1152, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 3.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning insurance.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE JULY 1, 2001] (a) **The local government finance study commission created under P.L.242-1997 shall, not later than October 31, 2001, do the following:**

(1) **Study the issue of appropriate insurance coverage of Indiana volunteer firefighters and Indiana volunteer fire departments.**

(2) **Identify areas of inadequate insurance coverage and the impact of the inadequate insurance coverage on Indiana volunteer firefighters and Indiana volunteer fire departments.**

(3) **If appropriate, propose legislation to remedy inadequate insurance coverage of Indiana volunteer firefighters and Indiana volunteer fire departments.**

(b) **This SECTION expires June 30, 2002.**

(Reference is to HB 1217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1338, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 5.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1407, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 5.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1706, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, line 4, after "is" insert "**not**".

Page 9, line 7, after "assignment." delete "The".

Page 9, delete lines 8 through 14.

(Reference is to HB 1706 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1786, has had the same under consideration and begs leave to report the same back to the House with the recommendation that

said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-3-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) There is hereby created the worker's compensation board of Indiana, which shall consist of seven (7) members, not more than four (4) of whom shall belong to the same political party, appointed by the governor, one (1) of whom he shall designate as chairman. The chairman of said board shall be an attorney of recognized qualifications.

(b) Each member of said board shall hold office for four (4) years and until his successor is appointed and qualified.

(c) Each member of the board shall devote his entire time to the discharge of the duties of his office and shall not hold any other position of trust or profit or engage in any occupation or business interfering with or inconsistent with the discharge of his duties as such member.

(d) Any member of said board may be removed by the governor at any time for incompetency, neglect of duty, misconduct in office, or other good cause to be stated in writing in the order of removal. In case of a vacancy in the membership of the said board, the governor shall appoint for the unexpired term.

(e) The budget agency, with the approval of the governor, shall approve the salaries of the members of the board and the secretary.

(f) The board may appoint a secretary and may remove such secretary. The secretary shall have authority to administer oaths and issue subpoenas in connection with the administration of IC 22-3-2 through IC 22-3-7.

(g) The board **may appoint magistrates and may remove the magistrates. The board magistrates are entitled to determine issues arising under IC 22-3-2 through IC 22-3-7 with the following exceptions:**

(1) **Claims regarding the compensability of an injury or a disease arising out of and in the course of the employment under IC 22-3-2-2(a) or IC 22-3-7-2(a).**

(2) **A determination as to whether one (1) of the special defenses contained in IC 22-3-2-8 or IC 22-3-7-21(b) operates as a bar to the employee's claim.**

(3) **A determination as to whether the employee is permanently and totally disabled for the purposes of IC 22-3-3-10, IC 22-3-3-13, or IC 22-3-7-16.**

(4) **The approval of settlement agreements under IC 22-3-2-15.**

(5) **Issues involving a lack of diligence, bad faith, or an independent tort under IC 22-3-4-12.1.**

(h) **The board**, subject to the approval of the governor, may employ and fix the compensations of such clerical and other assistants as it may deem necessary.

(i) The members of the board and its assistants shall be entitled to receive from the state their actual and necessary expenses while traveling on the business of the board, but such expenses shall be approved by the chairman of the board before payment is made.

(j) All salaries and expenses of the board shall be audited and paid out of the state treasury in the manner prescribed for similar expenses in other departments or branches of the state service.

SECTION 2. IC 22-3-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The worker's compensation board may adopt rules under IC 4-22-2 to carry into effect the worker's compensation law (IC 22-3-2 through IC 22-3-6) and the worker's occupational diseases law (IC 22-3-7).

(b) The worker's compensation board is authorized:

(1) to hear, determine, and review all claims for compensation under IC 22-3-2 through IC 22-3-7;

(2) to require medical service for injured employees;

(3) to approve claims for medical service or attorney's fees and the charges for nurses and hospitals;

(4) to approve agreements;

(5) to modify or change awards;

(6) to make conclusions of facts and rulings of law;

(7) to certify questions of law to the court of appeals;

(8) to approve deductions in compensation made by employers for amounts paid in excess of the amount required by law;

(9) to approve agreements between an employer and an employee or

the employee's dependents for the cash payment of compensation in a lump sum, or, in the case of a person under eighteen (18) years of age, to order cash payments;

(10) to establish and maintain a list of independent medical examiners and to order physical examinations;

(11) to subpoena witnesses **and order the production and examination of books, papers, and records;**

(12) to administer oaths;

(13) to apply to the circuit or superior court to enforce the attendance and testimony of witnesses and the production and examination of books, papers, and records;

(14) to create and undertake a program designed to educate and provide assistance to employees and employers regarding the rights and remedies provided by IC 22-3-2 through IC 22-3-7, and to provide for informal resolution of disputes;

(15) to assess and collect, on the board's own initiative or on the motion of a party, the penalties provided for in IC 22-3-2 through IC 22-3-7; **and**

(16) **to appoint board magistrates to determine issues arising under IC 22-3-2 through IC 22-3-7 subject to the limitations set forth in section 1(g) of this chapter; and**

(17) to exercise all other powers and duties conferred upon the board by law.

SECTION 3. IC 22-3-1-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.1. A magistrate appointed by the worker's compensation board may do any of the following, but is not limited to the following:**

(1) **Administer an oath or affirmation that is required by law.**

(2) **Order that a subpoena be issued in a matter pending before the board.**

(3) **Conduct a prehearing conference or evidentiary hearing.**

(4) **Verify a certificate for the authentication of records of a proceeding conducted by the magistrate.**

SECTION 4. IC 22-3-1-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 3.2. A magistrate shall report the magistrate's findings in an evidentiary hearing to the board member to whom the case was assigned. The board member shall enter the final order or award. The final order or award is subject to full board review under IC 22-3-4-7.**

SECTION 5. IC 22-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The worker's compensation board may make rules not inconsistent with IC 22-3-2 through IC 22-3-6 for carrying out the provisions of IC 22-3-2 through IC 22-3-6. Processes and procedures under IC 22-3-2 through IC 22-3-6 shall be as summary and simple as reasonably may be. The board or any member of the board shall have the power for the purpose of IC 22-3-2 through IC 22-3-6 to subpoena witnesses, administer or cause to have administered oaths, and to examine or cause to have examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute.

(b) The county sheriff shall serve all subpoenas of the board **and magistrates appointed under IC 22-3-1-1(g)** and shall receive the same fees as provided by law for like service in civil actions. Each witness who appears in obedience to such subpoenas of the board shall receive for attendance the fees and mileage for witnesses in civil cases in the courts.

(c) The circuit or superior court shall, on application of the board or any member of the board, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

SECTION 6. IC 22-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) If the employer and the injured employee or the injured employee's dependents disagree in regard to the compensation payable under IC 22-3-2 through IC 22-3-6 or, if they have reached such an agreement, which has been signed by them, filed with and approved by the worker's compensation board, and afterward disagree as to the continuance of payments under such agreement, or as to the period for which payments shall be made, or to the amount to be paid, because of a change in conditions since the making of such agreement, either party may then make an application to the board for the determination of the matters in dispute.

(b) Upon the filing of such application, the board shall set the date of hearing, which shall be as early as practicable, and shall notify the employee, employer, and attorneys of record in the manner prescribed by the board of the time and place of all hearings and requests for continuances. The hearing of all claims for compensation, on account of injuries occurring within the state, shall be held in the county in which the injury occurred, or in any adjoining county, except when the parties consent to a hearing elsewhere. Claims assigned to an individual board member that are considered to be of an emergency nature by that board member, may be heard in any county within the board member's jurisdiction.

(c) All disputes arising under IC 22-3-2 through IC 22-3-6, if not settled by the agreement of the parties interested therein, with the approval of the board, shall be determined by the board.

SECTION 7. IC 22-3-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. The board by any or all of its members **or magistrates appointed under IC 22-3-1-1** shall hear the parties at issue, their representatives and witnesses, and shall determine the dispute in a summary manner. The award shall be filed with the record of proceedings, and a copy thereof shall immediately be sent to each of the employee, employer, and attorney of record in the dispute.

SECTION 8. IC 22-3-7-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 24. (a) The worker's compensation board may make rules not inconsistent with this chapter for carrying out the provisions of this chapter. Processes and procedures under this chapter shall be as summary and simple as reasonably may be. The board, or any member thereof, shall have the power, for the purpose of this chapter, to subpoena witnesses, administer or cause to have administered oaths, and to examine or cause to have examined such parts of the books and records of the parties to a proceeding as relate to questions in dispute. The county sheriff shall serve all subpoenas of the board **and magistrates appointed under IC 22-3-1-1(g)** and shall receive the same fees as provided by law for like service in civil actions. Each witness who appears in obedience to such subpoena of the board shall receive for attendance the fees and mileage for witnesses in civil cases in the courts. The circuit or superior court shall, on application of the board or any member thereof, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

(b) The fees of attorneys and physicians and charges of nurses and hospitals for services under this chapter shall be subject to the approval of the worker's compensation board. When any claimant for compensation is represented by an attorney in the prosecution of his claim, the board shall fix and state in the award, if compensation be awarded, the amount of the claimant's attorney's fees. The fee so fixed shall be binding upon both the claimant and his attorney, and the employer shall pay to the attorney, out of the award, the fee so fixed, and the receipt of the attorney therefor shall fully acquit the employer for an equal portion of the award.

(c) Whenever the worker's compensation board shall determine upon hearing of a claim that the employer has acted in bad faith in adjusting and settling said award, or whenever the board shall determine upon hearing of a claim that the employer has not pursued the settlement of said claim with diligence, then the board shall, if compensation be awarded, fix the amount of the claimant's attorney's fees and such attorney's fees shall be paid to the attorney and shall not be charged against the award to the claimant. Such fees as are fixed and awarded on account of a lack of diligence or because of bad faith on the part of the employer shall not be less than one hundred fifty dollars (\$150).

(d) The worker's compensation board may withhold the approval of the fees of the attending physician in any case until he shall file a report with the board on the form prescribed by such board.

SECTION 9. IC 22-3-7-27, AS AMENDED BY P.L.235-1999, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27. (a) If the employer and the employee or the employee's dependents disagree in regard to the compensation payable under this chapter, or if they have reached such an agreement, which has been signed by them, filed with and approved by the worker's compensation board, and afterward disagree as to the continuance of payments under such agreement, or as to the period for which payments shall be made, or as to the amount to be paid, because of a change in conditions since the making of such agreement, either party may then make an application to the board for the determination of the matters in dispute. When compensation which is payable in accordance with an award or by agreement approved by the board

is ordered paid in a lump sum by the board, no review shall be had as in this subsection mentioned.

(b) The application making claim for compensation filed with the worker's compensation board shall state the following:

- (1) The approximate date of the last day of the last exposure and the approximate date of the disablement.
- (2) The general nature and character of the illness or disease claimed.
- (3) The name and address of the employer by whom employed on the last day of the last exposure, and if employed by any other employer after such last exposure and before disablement, the name and address of such other employer or employers.
- (4) In case of death, the date and place of death.
- (5) Amendments to applications making claim for compensation which relate to the same disablement or disablement resulting in death originally claimed upon may be allowed by the board in its discretion, and, in the exercise of such discretion, it may, in proper cases, order a trial de novo. Such amendment shall relate back to the date of the filing of the original application so amended.

(c) Upon the filing of such application, the board shall set the date of hearing, which shall be as early as practicable, and shall notify the parties, in the manner prescribed by the board, of the time and place of hearing. The hearing of all claims for compensation on account of occupational disease shall be held in the county in which the last exposure occurred or in any adjoining county, except when the parties consent to a hearing elsewhere. Claims assigned to an individual board member that are considered to be of an emergency nature by that board member, may be heard in any county within the board member's jurisdiction.

(d) The board by any or all of its members **or magistrates appointed under IC 22-3-1-1** shall hear the parties at issue, their representatives, and witnesses, and shall determine the dispute in a summary manner. The award shall be filed with the record of proceedings, and a copy thereof shall immediately be sent by registered mail to each of the parties in dispute.

(e) If an application for review is made to the board within thirty (30) days from the date of the award made by less than all the members, the full board, if the first hearing was not held before the full board, shall review the evidence, or, if deemed advisable, hear the parties at issue, their representatives, and witnesses as soon as practicable, and shall make an award and file the same with the finding of the facts on which it is based and send a copy thereof to each of the parties in dispute, in like manner as specified in subsection (d).

(f) An award of the board by less than all of the members as provided in this section, if not reviewed as provided in this section, shall be final and conclusive. An award by the full board shall be conclusive and binding unless either party to the dispute, within thirty (30) days after receiving a copy of such award, appeals to the court of appeals under the same terms and conditions as govern appeals in ordinary civil actions. The court of appeals shall have jurisdiction to review all questions of law and of fact. The board, of its own motion, may certify questions of law to the court of appeals for its decision and determination. An assignment of errors that the award of the full board is contrary to law shall be sufficient to present both the sufficiency of the facts found to sustain the award and the sufficiency of the evidence to sustain the finding of facts. All such appeals and certified questions of law shall be submitted upon the date filed in the court of appeals, shall be advanced upon the docket of the court, and shall be determined at the earliest practicable date, without any extensions of time for filing briefs. An award of the full board affirmed on appeal, by the employer, shall be increased thereby five percent (5%), and by order of the court may be increased ten percent (10%).

(g) Upon order of the worker's compensation board made after five (5) days notice is given to the opposite party, any party in interest may file in the circuit or superior court of the county in which the disablement occurred a certified copy of the memorandum of agreement, approved by the board, or of an order or decision of the board, or of an award of the full board unappealed from, or of an award of the full board affirmed upon an appeal, whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though such judgment has been rendered in a suit duly heard and determined by the court. Any such judgment of such circuit or superior court, unappealed from or affirmed on appeal or modified in obedience to the mandate of the court of appeals, shall be modified to conform to any decision of the industrial board

ending, diminishing, or increasing any weekly payment under the provisions of subsection (i) upon the presentation to it of a certified copy of such decision.

(h) In all proceedings before the worker's compensation board or in a court under the compensation provisions of this chapter, the costs shall be awarded and taxed as provided by law in ordinary civil actions in the circuit court.

(i) The power and jurisdiction of the worker's compensation board over each case shall be continuing, and, from time to time, it may, upon its own motion or upon the application of either party on account of a change in conditions, make such modification or change in the award ending, lessening, continuing, or extending the payments previously awarded, either by agreement or upon hearing, as it may deem just, subject to the maximum and minimum provided for in this chapter. When compensation which is payable in accordance with an award or settlement contract approved by the board is ordered paid in a lump sum by the board, no review shall be had as in this subsection mentioned. Upon making any such change, the board shall immediately send to each of the parties a copy of the modified award. No such modification shall affect the previous award as to any money paid thereunder. The board shall not make any such modification upon its own motion, nor shall any application therefor be filed by either party after the expiration of two (2) years from the last day for which compensation was paid under the original award made either by agreement or upon hearing, except that applications for increased permanent partial impairment are barred unless filed within one (1) year from the last day for which compensation was paid. The board may at any time correct any clerical error in any finding or award.

(j) The board or any member thereof may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified physician or surgeon to make any necessary medical examination of the employee and to testify in respect thereto. Such physician or surgeon shall be allowed traveling expenses and a reasonable fee, to be fixed by the board. The fees and expenses of such physician or surgeon shall be paid by the state only on special order of the board or a member thereof.

(k) The board or any member thereof may, upon the application of either party or upon its own motion, appoint a disinterested and duly qualified industrial hygienist, industrial engineer, industrial physician, or chemist to make any necessary investigation of the occupation in which the employee alleges that he was last exposed to the hazards of the occupational disease claimed upon, and testify with respect to the occupational disease health hazards found by such person or persons to exist in such occupation. Such person or persons shall be allowed traveling expenses and a reasonable fee, to be fixed by the board. The fees and expenses of such persons shall be paid by the state, only on special order of the board or a member thereof.

(l) Whenever any claimant misconceives the claimant's remedy and files an application for adjustment of a claim under IC 22-3-2 through IC 22-3-6 and it is subsequently discovered, at any time before the final disposition of such cause, that the claim for injury or death which was the basis for such application should properly have been made under the provisions of this chapter, then the application so filed under IC 22-3-2 through IC 22-3-6 may be amended in form or substance or both to assert a claim for such disability or death under the provisions of this chapter, and it shall be deemed to have been so filed as amended on the date of the original filing thereof, and such compensation may be awarded as is warranted by the whole evidence pursuant to the provisions of this chapter. When such amendment is submitted, further or additional evidence may be heard by the worker's compensation board when deemed necessary. Nothing in this section contained shall be construed to be or permit a waiver of any of the provisions of this chapter with reference to notice or time for filing a claim, but notice of filing of a claim, if given or done, shall be deemed to be a notice or filing of a claim under the provisions of this chapter if given or done within the time required in this chapter.

SECTION 10. [EFFECTIVE JULY 1, 2001] (a) There is appropriated to the worker's compensation board one hundred ninety thousand dollars (\$190,000) from the state general fund for carrying out the purposes of IC 22-3-1-1(g), as amended by this act, beginning July 1, 2001, and ending June 30, 2002.

(b) There is appropriated to the worker's compensation board one hundred ninety thousand dollars (\$190,000) from the state general fund for carrying out the purposes of IC 22-3-1-1(g), as amended by this act, beginning July 1, 2002, and ending June 30, 2003.

(c) The money appropriated by this SECTION does not revert to the state general fund at the close of any fiscal year but remains available to the worker's compensation board until the purposes for which it was appropriated are fulfilled.

(Reference is to HB 1786 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1837, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "27-8-28." and insert "**34-50-2.**".

Page 3, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 2. IC 34-6-2-10.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.3. "Annuity issuer", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-1.

SECTION 3. IC 34-6-2-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 10.5. "Applicable law", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-2.

SECTION 4. IC 34-6-2-34.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34.5. "Dependent", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-3.

SECTION 5. IC 34-6-2-34.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34.7. "Discounted present value", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-4.

SECTION 6. IC 34-6-2-71.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 71.3. "Interested party", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-5.

SECTION 7. IC 34-6-2-98.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 98.4. "Payee", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-6.

SECTION 8. IC 34-6-2-101.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 101.9. "Periodic payments", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-7.

SECTION 9. IC 34-6-2-126.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 126.8. "Qualified assignment agreement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-8.

SECTION 10. IC 34-6-2-130.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 130.5. "Responsible administrative authority", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-9.

SECTION 11. IC 34-6-2-142.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 142.3. "Structured settlement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-10.

SECTION 12. IC 34-6-2-142.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 142.4. "Structured settlement agreement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-11.

SECTION 13. IC 34-6-2-142.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 142.5. "Structured settlement obligor", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-12.

SECTION 14. IC 34-6-2-142.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 142.6. "Structured settlement payment rights", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-13.

SECTION 15. IC 34-6-2-142.8 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 142.8. "Terms of a structured settlement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-14.**

SECTION 16. IC 34-6-2-143.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 143.5. "Transfer", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-15.**

SECTION 17. IC 34-6-2-143.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 143.6. "Transfer agreement", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-16.**

SECTION 18. IC 34-6-2-143.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 143.7. "Transferee", for purposes of IC 34-50-2, has the meaning set forth in IC 34-50-2-17."**

Page 3, line 25, delete "IC 27-8-28" and insert "IC 34-50-2".

Page 3, line 28, delete "28." and insert "2.".

Page 4, delete lines 15 through 38.

Page 4, line 39, delete "7." and insert "5.".

Page 5, line 4, delete "8." and insert "6.".

Page 5, line 13, delete "9." and insert "7.".

Page 5, line 16, delete "10." and insert "8.".

Page 5, line 22, delete "11." and insert "9.".

Page 5, line 26, delete "12." and insert "10.".

Page 5, line 29, delete "13." and insert "11.".

Page 5, line 37, delete "14." and insert "12.".

Page 5, line 41, delete "15." and insert "13.".

Page 6, line 8, delete "16." and insert "14.".

Page 6, line 17, delete "17." and insert "15.".

Page 6, line 25, delete "18." and insert "16.".

Page 6, line 28, delete "19." and insert "17.".

Page 6, line 31, delete "20." and insert "18.".

Page 6, line 36, delete "21" and insert "19".

Page 6, line 37, delete "and".

Page 6, line 38, delete "a" and insert **"the payee's receipt of the disclosure statement provided under section 19 of this chapter is confirmed by the payee's notarized signature on a copy of the disclosure statement; and**

(3) an Indiana".

Page 6, line 39, delete "22 and 23" and insert **"20 and 21"**.

Page 6, line 41, delete "21." and insert **"19"**.

Page 7, line 1, after "payee" insert **"and other interested parties"**.

Page 7, line 33, delete "22." and insert **"20."**

Page 7, delete lines 37 through 42, begin a new line block indented and insert:

"(1) The consideration that the payee will receive for the transfer reasonably reflects the present fair market value of the future periodic payments under the structured settlement agreement.

(2) The transfer is in the best interest of the payee.

(3) The transfer will not materially impair the payee's ability to discharge the payee's obligations to the payee's dependents."

Page 8, delete lines 1 through 29.

Page 8, line 30, delete "(7)" and insert **"(4)"**.

Page 8, line 31, delete "and does not contravene any applicable law." and insert **"."**

Page 8, line 32, delete "23." and insert **"21."**

Page 8, line 35, delete "that approved the structured settlement" and insert

"in which the underlying tort action was pending; or".

Page 8, delete line 36.

Page 8, line 37, delete "if the structured settlement agreement was not approved".

Page 8, line 38, delete "by an Indiana court,".

Page 8, run in lines 37 through 38.

Page 8, line 39, delete "payee, the structured settlement" and insert **"payee resides."**

Page 8, delete line 40.

Page 9, line 17, delete ";" and insert **" , including the transferee's:**

(i) name;

(ii) address; and

(iii) taxpayer identification number;".

Page 9, line 19, delete "21" and insert **"19"**.

Page 9, line 20, delete "22" and insert **"18"**.

Page 10, line 8, delete "22" and insert **"20"**.

Page 10, line 13, delete "24." and insert **"22."**

Page 10, line 18, delete "does not comply with the requirements of this" and insert **"is not approved by a court under section 20 of this chapter."**

Page 10, delete line 19.

Page 10, line 26, delete "25." and insert **"23."**

Page 10, line 30, delete "20" and insert **"18"**.

Page 10, line 32, delete "21" and insert **"19"**.

Page 10, line 34, delete "a" and insert **"an Indiana"**.

Page 10, line 35, delete "22 and 23" and insert **"20 and 21"**.

Page 10, line 37, delete "26." and insert **"24."**

Page 10, line 41, delete "IC 27-8-28-25" and insert **"IC 34-50-2-23"**.

Page 11, line 1, delete "IC 27-8-28," and insert **"IC 34-50-2,"**.

Page 11, line 3, after "entered" insert **"into"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1837 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1962, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. This chapter applies to years beginning after December 31, 2001, and ending before January 1, 2007."

Page 1, line 5, delete "1." and insert **"2."**

Page 1, after line 17, begin a new line block indented and insert:

"(7) To provide five million dollars (\$5,000,000) to the state educational institution established under IC 20-12-61 for participants in joint labor and management apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training. Of the money allocated for these programs, forty-five percent (45%) is designated for industrial programs, and fifty-five percent (55%) is designated for building trade programs."

Page 2, line 1, delete "2." and insert **"3."**

Page 2, line 6, delete "3" and insert **"4"**.

Page 2, line 19, delete "4" and insert **"5"**.

Page 2, line 21, delete "5" and insert **"6"**.

Page 2, line 23, delete "6." and insert **"7."**

Page 2, line 25, delete "commissioner" and insert **"board"**.

Page 2, line 26, delete "7" and insert **"8"**.

Page 2, line 29, delete "8" and insert **"9"**.

Page 2, line 39, delete "9" and insert **"10"**.

Page 3, delete lines 3 through 41.

Page 4, delete lines 1 through 36, begin a new paragraph and insert:

"SECTION 2. IC 22-4-11-3.2, AS ADDED BY P.L.30-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: Sec. 3.2. (a) For calendar year 2001, all employers shall have a contribution rate as set forth in rate schedule E in section 3 of this chapter.

(b) For calendar year 2002, all employers shall have a contribution rate as set forth in rate schedule D in section 3 3.3 of this chapter.

(c) This section expires January 1, 2003.

SECTION 3. IC 22-4-11-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2002]: **Sec. 3.3. (a) For calendar years 2002 through 2006, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a credit balance and who are eligible therefore according to each employer's credit reserve ratio. Except as provided in section 3.2(b) of this chapter, each employer shall be assigned the contribution rate appearing in**

the applicable schedule A, B, C, D, or E on the line opposite the employer's credit reserve ratio as set forth in the rate schedule below:

**RATE SCHEDULE FOR ACCOUNTS
WITH CREDIT BALANCES**

When the Credit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%)				
		A	B	C	D	E
3.00		1.14	0.14	0.14	0.14	0.15
2.80	3.00	1.34	0.34	0.14	0.14	0.15
2.60	2.80	1.54	0.54	0.14	0.14	0.15
2.40	2.60	1.74	0.74	0.34	0.14	0.20
2.20	2.40	1.94	0.94	0.54	0.14	0.20
2.00	2.20	2.14	1.14	0.74	0.34	0.40
1.80	2.00	2.34	1.34	0.94	0.54	0.60
1.60	1.80	2.54	1.54	1.14	0.74	0.80
1.40	1.60	2.74	1.74	1.34	0.94	1.00
1.20	1.40	2.94	1.94	1.54	1.14	1.20
1.00	1.20	3.14	2.14	1.74	1.34	1.40
0.80	1.00	3.34	2.34	1.94	1.54	1.60
0.60	0.80	3.54	2.54	2.14	1.74	1.80
0.40	0.60	3.74	2.74	2.34	1.94	2.00
0.20	0.40	3.94	2.94	2.54	2.14	2.20
0.00	0.20	4.14	3.14	2.74	2.34	2.40

(b) For calendar years 2002 through 2006, if the conditions of section 2 of this chapter are met, the rate of contributions shall be determined and assigned, with respect to each calendar year, to employers whose accounts have a debit balance and who are eligible therefore according to each employer's debit reserve ratio. Except as provided in section 3.2(b) of this chapter, each employer shall be assigned the contribution rate appearing in the applicable schedule A, B, C, D, or E on the line opposite the employer's debit reserve ratio as set forth in the rate schedule below:

**RATE SCHEDULE FOR ACCOUNTS
WITH DEBIT BALANCES**

When the Debit Reserve Ratio Is:

As Much As	But Less Than	Rate Schedules (%)				
		A	B	C	D	E
1.50		4.44	4.34	4.24	4.14	3.60
1.50	3.00	4.74	4.64	4.54	4.44	3.80
3.00	4.50	5.04	4.94	4.84	4.74	4.10
4.50	6.00	5.34	5.24	5.14	5.04	4.40
6.00		5.64	5.54	5.40	5.40	5.40"

Page 10, line 31, delete "commissioner" and insert "board".

Page 11, line 8, after "commissioner" insert "at the direction of the board".

Renumber all SECTIONS consecutively.

(Reference is to HB 1962 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

LIGGETT, Chair

Report adopted.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1410, 1504, 1678, 2096, and 2126.

House Bill 1084

Representative Cheney called down House Bill 1084 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1084-2)

Mr. Speaker: I move that House Bill 1084 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-24-11-3, AS AMENDED BY P.L.225-1999, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in ~~IC 31-37-3-1~~, **IC 31-37-3**, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article;

is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

(1) is valid for not more than four (4) years from the date the license is issued; and

(2) may not be renewed.

SECTION 2. IC 31-37-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) It is a defense to a violation under this chapter that the child was emancipated:

(1) under IC 31-37-19-27 or IC 31-6-4-15.7 (before its repeal);

(2) by virtue of having married; or

(3) in accordance with the laws of another state or jurisdiction; at the time that the child engaged in the prohibited conduct.

(b) It is a defense to a violation under this chapter that the child engaged in the prohibited conduct while:

(1) accompanied by the child's parent, guardian, or custodian;

(2) accompanied by an adult specified by the child's parent, guardian, or custodian;

(3) participating in, going to, or returning from:

(A) lawful employment;

(B) a school sanctioned activity;

(C) a religious event;

(D) an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(E) an activity involving the exercise of the child's rights protected under the First Amendment to the United States Constitution or Article 1, Section 31 of the Constitution of the State of Indiana, or both, such as freedom of speech and the right of assembly; or

(F) an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults; or

(4) engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

SECTION 3. IC 31-37-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) If a child is not taken into custody under an order of the court, the law enforcement officer may release the child or may release the child to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the juvenile court at a time specified. ~~However, Subject to subsection (c),~~ the law enforcement officer may place the child in detention if the law enforcement officer reasonably believes that:

(1) the child is unlikely to appear before the juvenile court for subsequent proceedings;

(2) the child has committed an act that would be murder or a Class A or Class B felony if committed by an adult;

(3) detention is essential to protect the child or the community;

- (4) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.
- (b) If a child is detained for a reason specified in subsection (a)(4) or (a)(5), the child shall be detained under IC 31-37-7-1.
- (c) Unless a law enforcement officer determines that detention is essential to protect a child or the community, the law enforcement officer who detains a child for a violation of the curfew law under IC 31-37-3 shall make a good faith effort to release the child to the child's parent, guardian, or custodian within a reasonable time after the child is detained.**

SECTION 4. IC 31-37-3-1 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 5. **An emergency is declared for this act.**
(Reference is to HB 1084 as printed February 9, 2001.)

CHENEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1796

Representative Cheney called down House Bill 1796 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1796-1)

Mr. Speaker: I move that House Bill 1796 be amended to read as follows: Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-14-3-4, AS AMENDED BY P.L.37-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the twenty-first century research and technology fund board under IC 4-4-5.1.
- (b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:
 - (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
 - (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;
 - (B) the state; or
 - (C) an individual.
 - (3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or

academic examination before the examination is given or if it is to be given again.

(4) Scores of tests if the person is identified by name and has not consented to the release of his scores.

(5) The following:

(A) Records relating to negotiations between the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the department of commerce, the Indiana development finance authority, the film commission, the Indiana business modernization and technology corporation, or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the department of commerce shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) information concerning **disciplinary actions findings of fact and decisions** in which final action has been taken and that resulted in the employee being **disciplined suspended without pay** or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a recordkeeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of his identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

- (i) to qualified researchers;
- (ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or
- (iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing advisory committee. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations that concern the driver.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(c) Notwithstanding section 3 of this chapter, a public agency is not required to create or provide copies of lists of names and addresses, unless the public agency is required to publish such lists and disseminate them to the public pursuant to statute. However, if a public agency has created a list of names and addresses, it must permit a person to inspect and make memoranda abstracts from the lists unless access to the lists is prohibited by law. The following lists of names and addresses may not be disclosed by public agencies to commercial entities for commercial purposes and may not be used by commercial entities for commercial purposes:

- (1) A list of employees of a public agency.
- (2) A list of persons attending conferences or meetings at a state institution of higher education or of persons involved in programs or activities conducted or supervised by the state institution of higher education.
- (3) A list of students who are enrolled in a public school corporation if the governing body of the public school corporation adopts a policy:
 - (A) prohibiting the disclosure of the list to commercial entities for commercial purposes; or
 - (B) specifying the classes or categories of commercial entities to which the list may not be disclosed or by which the list may not be used for commercial purposes.

A policy adopted under subdivision (3) must be uniform and may not discriminate among similarly situated commercial entities.

(d) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(e) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(f) Notwithstanding subsection (e) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Renumber all SECTIONS consecutively.

(Reference is to HB 1796 as printed February 6, 2001.)

KERSEY

Upon request of Representatives Munson and Espich, the Chair ordered the roll of the House to be called. Roll Call 64: yeas 57, nays 35. Motion prevailed. The bill was ordered engrossed.

House Bill 1874

Representative L. Lawson called down House Bill 1874 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1874-2)

Mr. Speaker: I move that House Bill 1874 be amended to read as follows: Page 28, delete line 30.

Page 28, line 31, delete "immune from civil and criminal liability for" and insert "**Sec. 21. The provisions of IC 34-13-3-3 apply to**".

Page 28, line 32, before "arising" insert "**by a governmental entity or an employee**".

Page 28, line 36, delete ";" and insert ".".

Page 28, delete lines 37 through 38.

(Reference is to HB 1874 as printed February 9, 2001.)

ULMER

Motion prevailed. The bill was ordered engrossed.

House Bill 2124

Representative Dickinson called down House Bill 2124 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 2124-1)

Mr. Speaker: I move that House Bill 2124 be amended to read as follows:

Page 3, line 10, strike "department of public welfare" and insert "**office of family and children**".

Page 3, line 12, strike "department of public welfare" and insert "**office of family and children**".

Page 4, line 13, strike "department of public welfare" and insert "**office of family and children**".

Page 4, line 15, strike "department of public welfare" and insert "**office of family and children**".

(Reference is to HB 2124 as printed February 2, 2001.)

DICKINSON

Motion prevailed.

HOUSE MOTION
(Amendment 2124-2)

Mr. Speaker: I move that House Bill 2124 be amended to read as follows:

Page 2, line 17, delete "misconduct or" and insert "**conditions**".

Page 2, line 18, delete "mistreatment".

Page 2, line 19, delete "constitutes an immediate" and insert "**present an imminent**".

Page 2, line 20, delete "including child abuse or neglect".

Page 2, line 29, delete "immediate" and insert "**imminent**".

Page 4, line 11, delete "unlicensed" and insert "**unlicensed**".

(Reference is to HB 2124 as printed February 2, 2001.)

DICKINSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1278

Representative Cheney called down House Bill 1278 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1278-2)

Mr. Speaker: I move that House Bill 1278 be amended to read as follows:

Page 2, line 5, strike "three (3) years" and insert "**one (1) year**".

Page 2, line 20, reset in roman "certificate".

Page 2, line 21, delete "license".

(Reference is to HB 1278 as printed February 9, 2001.)

CHENEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1553

Representative L. Lawson called down House Bill 1553 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1553-1)

Mr. Speaker: I move that House Bill 1553 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) As used in this section, "independent contractor" refers to a person described in IC 22-3-6-1(b)(7) or IC 22-3-7-9(b)(5).

(b) As used in this section, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a corporation, or other legal entity.

(c) An independent contractor who does not make an election under:

- (1) IC 22-3-6-1(b)(4) or IC 22-3-6-1(b)(5) is not subject to the compensation provisions of IC 22-3-2 through IC 22-3-6; or
 (2) IC 22-3-7-9(b)(2) or IC 22-3-7-9(b)(3) is not subject to the compensation provisions of IC 22-3-7;

and must file a statement with the department with supporting documentation of independent contractor status and obtain a certificate of exemption under this section.

(d) An independent contractor shall file with the department, in the form prescribed by the department, a statement providing the following information:

- (1) The independent contractor's name, trade name, address, and telephone number.
- (2) The independent contractor's federal identification number or Social Security number.
- (3) The name and:
 - (A) Social Security number;
 - (B) federal employer identification number (FEIN); or
 - (C) taxpayer identification number (TIN);
 of each person or entity with whom the independent contractor has contracted.

(e) Along with the statement required in subsection (d), an independent contractor shall file annually with the department documentation in support of that status before being granted a certificate of exemption. The documentation must include at least three (3) of the following items:

- (1) Documentation of the legal entity under which the independent contractor conducts business.
- (2) Proof of payment of, or non-liability for, self-employment taxes.
- (3) Proof of payment of quarterly estimated taxes for the current year.
- (4) Proof of payment of unemployment taxes for the current year.
- (5) Other documentation establishing an independent contractor's status, such as contracts, unreimbursed business expenses, or proof of liability insurance coverage.

(f) An independent contractor shall pay a filing fee of five dollars (\$5) with the statement required in subsection (d). The fees collected under this subsection shall be deposited into a special account in the state general fund known as the independent contractor information account. Money in the independent contractor information account is annually appropriated to the department for its use in carrying out the purposes of this section.

(g) The department shall keep each statement and supporting documentation received under this section on file and on request may verify that a certificate of exemption is on file.

(h) The certificate of exemption required by this section must be on a form prescribed and provided by the department. A certificate issued under this section is valid for one (1) year. The department shall maintain the original certificate on file.

(i) A certificate of exemption must certify the following information:

- (1) That the independent contractor has worker's compensation coverage for the independent contractor's employees in accordance with IC 22-3-2 through IC 22-3-7.
- (2) That the independent contractor desires to be exempt from being able to recover under the worker's compensation policy or self-insurance of a person for whom the independent contractor will perform work only as an independent contractor.

(j) The department shall provide the certificate of exemption to the person requesting it not less than seven (7) business days after verifying the accuracy of the supporting documentation. To be given effect, a certificate of exemption must be filed with the worker's compensation board of Indiana accordance with IC 22-3-2-14.5(f) and IC 22-3-7-34.5(g).

(k) Not more than thirty (30) days after the department receives a copy of an independent contractor's statement and validated affidavit from the worker's compensation board under IC 22-3-2-14.5 or IC 22-3-7-34.5, supporting documentation and issues a certificate of exemption, the department shall provide the independent contractor with an explanation of

the department's tax treatment of independent contractors and the duty of the independent contractor to remit any taxes owed.

(~~h~~) (l) The information received from an independent contractor's statement and ~~validated affidavit~~ **supporting documentation** is to be treated as confidential by the department and is to be used solely for the purposes of this section.

(m) A contractor who knowingly or intentionally causes or assists employees, including temporary employees, to file a statement and supporting documentation of independent contractor status commits a Class D felony."

Page 2, line 42, delete "supporting documentation of independent" and insert " **the Indiana department of state revenue in accordance with IC 6-3-7-5**".

Page 3, line 1, delete "contractor status".

Page 3, line 1, strike "validated affidavit" and insert "**certificate**".

Page 3, line 1, after "exemption" insert ".".

Page 3, line 1, strike "under".

Page 3, strike lines 2 through 9.

Page 3, delete lines 10 through 26.

Page 3, line 27, delete "(f)" and insert "~~(e)~~ (d)".

Page 3, line 28, delete "twenty dollars (\$20)" and insert "**fifteen dollars (\$15)**".

Page 3, line 28, strike "statement required in" and insert "**certificate filed under**".

Page 3, line 29, strike "(d)." and insert "(f)".

Page 3, line 30, strike "as follows:".

Page 3, line 31, strike "(1)".

Page 3, line 31, delete "Eighty percent (80%)".

Page 3, run in lines 30 through 31.

Page 3, line 34, strike "(2)".

Page 3, line 34, delete "Twenty percent (20%)".

Page 3, line 34, strike "into a special".

Page 3, strike lines 35 through 39.

Page 3, line 40, delete "(g)" and insert "(e)".

Page 3, line 40, strike "keep each statement" and insert "**maintain a data base consisting of certificates**".

Page 3, line 41, delete "and supporting documentation".

Page 3, line 41, strike "on file".

Page 3, line 42, strike "validated affidavit is on file." and insert "**certificate was filed**".

Page 4, line 1, delete "(h)".

Page 4, line 1, strike "The affidavit of exemption required by this section must be".

Page 4, strike lines 2 through 3.

Page 4, line 4, delete "(i)".

Page 4, line 4, strike "An affidavit of exemption must certify the following".

Page 4, strike line 5 through 12.

Page 4, line 13, delete "(j)" and insert "(f)".

Page 4, line 13, strike "An affidavit" and insert "**A certificate**".

Page 4, line 14, strike "validate the affidavit" and insert "**indicate that the certificate has been filed**".

Page 4, line 15, strike "affidavit" and insert "**certificate**".

Page 4, line 15, strike "validated" and insert "**stamped**".

Page 4, line 16, strike "executing the affidavit. A validated affidavit" and insert "**filing the certificate. A certificate**".

Page 4, line 18, delete "of receipt" and insert "**file stamped**".

Page 4, line 19, strike "the original affidavits filed and validated by the".

Page 4, strike line 20 and insert "**a data base containing the information required in subsections (d) and (f)**".

Page 4, line 21, delete "(k)".

Page 4, line 21, strike "Not more than thirty (30) days after the worker's".

Page 4, strike line 22.

Page 4, line 23, delete "documentation required by subsection (e),".

Page 4, line 23, strike "validated affidavit, and".

Page 4, strike lines 24 through 26.

Page 4, line 27, delete "(l)" and insert "(g)".

Page 4, line 29, strike "validated affidavit issued" and insert "**stamped certificate of exemption filed**".

Page 4, line 30, strike "validated".

Page 4, line 31, strike "affidavit" and insert "**stamped certificate**".

Page 4, line 33, strike "validated affidavit" and insert "**stamped certificate**".

Page 4, line 35, delete "(m)" and insert "**(h)**".

Page 4, line 35, strike "An affidavit validated" and insert "**A stamped certificate filed**".

Page 4, line 38, strike "validated affidavit;" and insert "**stamped certificate;**".

Page 5, line 2, strike "validated affidavit." and insert "**stamped certificate.**".

Page 5, delete lines 3 through 5, begin a new paragraph and insert:

"SECTION 4. IC 22-3-7-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) **As used in this section, "person" does not include an owner who contracts for performance of work on the owner's owner occupied residential property.**

(b) Every employer bound by the compensation provisions of this chapter, except the state, counties, townships, cities, towns, school cities, school towns, school townships, other municipal corporations, state institutions, state boards, and state commissions, shall insure the payment of compensation to the employer's employees and their dependents in the manner provided in this chapter, or procure from the worker's compensation board a certificate authorizing the employer to carry such risk without insurance. While that insurance or certificate remains in force, the employer, or those conducting the employer's business, and the employer's occupational disease insurance carrier shall be liable to any employee and the employee's dependents for disablement or death from occupational disease arising out of and in the course of employment only to the extent and in the manner specified in this chapter.

(b) (c) Every employer who, by election, is bound by the compensation provisions of this chapter, except those exempted from the provisions by subsection (a); (b), shall:

- (1) insure and keep insured the employer's liability under this chapter in some corporation, association, or organization authorized to transact the business of worker's compensation insurance in this state; or
- (2) furnish to the worker's compensation board satisfactory proof of the employer's financial ability to pay the compensation in the amount and manner and when due as provided for in this chapter.

In the latter case the board may require the deposit of an acceptable security, indemnity, or bond to secure the payment of compensation liabilities as they are incurred.

(c) (d) Every employer required to carry insurance under this section shall file with the worker's compensation board in the form prescribed by it, within ten (10) days after the termination of the employer's insurance by expiration or cancellation, evidence of the employer's compliance with subsection (b) (c) and other provisions relating to the insurance under this chapter. The venue of all criminal actions under this section lies in the county in which the employee was last exposed to the occupational disease causing disablement. The prosecuting attorney of the county shall prosecute all violations upon written request of the board. The violations shall be prosecuted in the name of the state.

(d) (e) Whenever an employer has complied with subsection (b) (c) relating to self-insurance, the worker's compensation board shall issue to the employer a certificate which shall remain in force for a period fixed by the board, but the board may, upon at least thirty (30) days notice, and a hearing to the employer, revoke the certificate, upon presentation of satisfactory evidence for the revocation. After the revocation, the board may grant a new certificate to the employer upon the employer's petition, and satisfactory proof of the employer's financial ability.

(e) (f) (1) Subject to the approval of the worker's compensation board, any employer may enter into or continue any agreement with the employer's employees to provide a system of compensation, benefit, or insurance in lieu of the compensation and insurance provided by this chapter. A substitute system may not be approved unless it confers benefits upon employees and their dependents at least equivalent to the benefits provided by this chapter. It may not be approved if it requires contributions from the employees unless it confers benefits in addition to those provided under this chapter, which are at least commensurate with such contributions.

(e) (2) (f) (2) The substitute system may be terminated by the worker's compensation board on reasonable notice and hearing to the interested parties, if it appears that the same is not fairly administered or if its operation shall disclose latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purpose of this chapter. On

termination, the board shall determine the proper distribution of all remaining assets, if any, subject to the right of any party in interest to take an appeal to the court of appeals.

(f) (1) (g) (1) No insurer shall enter into or issue any policy of insurance under this chapter until its policy form has been submitted to and approved by the worker's compensation board. The board shall not approve the policy form of any insurance company until the company shall file with it the certificate of the insurance commissioner showing that the company is authorized to transact the business of worker's compensation insurance in Indiana. The filing of a policy form by any insurance company or reciprocal insurance association with the board for approval constitutes on the part of the company or association a conclusive and unqualified acceptance of each of the compensation provisions of this chapter, and an agreement by it to be bound by the compensation provisions of this chapter.

(f) (2) (g) (2) All policies of insurance companies and of reciprocal insurance associations, insuring the payment of compensation under this chapter, shall be conclusively presumed to cover all the employees and the entire compensation liability of the insured under this chapter in all cases in which the last day of the exposure rendering the employer liable is within the effective period of such policy.

(f) (3) (g) (3) Any provision in any such policy attempting to limit or modify the liability of the company or association insuring the same shall be wholly void.

(f) (4) (g) (4) Every policy of any company or association shall be deemed to include the following provisions:

"(A) The insurer assumes in full all the obligations to pay physician's fees, nurse's charges, hospital supplies, burial expenses, compensation or death benefits imposed upon or accepted by the insured under this chapter.

(B) This policy is subject to the provisions of this chapter relative to the liability of the insured to pay physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation or death benefits to and for such employees, the acceptance of such liability by the insured, the adjustment, trial and adjudication of claims for such physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, compensation, or death benefits.

(C) Between this insurer and the employee, notice to or knowledge of the occurrence of the disablement on the part of the insured (the employer) shall be notice or knowledge thereof, on the part of the insurer. The jurisdiction of the insured (the employer) for the purpose of this chapter is the jurisdiction of this insurer, and this insurer shall in all things be bound by and shall be subject to the awards, judgments and decrees rendered against the insured (the employer) under this chapter.

(D) This insurer will promptly pay to the person entitled to the same all benefits conferred by this chapter, including all physician's fees, nurse's charges, hospital services, hospital supplies, burial expenses, and all installments of compensation or death benefits that may be awarded or agreed upon under this chapter. The obligation of this insurer shall not be affected by any default of the insured (the employer) after disablement or by any default in giving of any notice required by this policy, or otherwise. This policy is a direct promise by this insurer to the person entitled to physician's fees, nurse's charges, fees for hospital services, charges for hospital services, charges for hospital supplies, charges for burial, compensation, or death benefits, and shall be enforceable in the name of the person.

(E) Any termination of this policy by cancellation shall not be effective as to employees of the insured covered hereby unless at least thirty (30) days prior to the taking effect of such cancellation, a written notice giving the date upon which such termination is to become effective has been received by the worker's compensation board of Indiana at its office in Indianapolis, Indiana.

(F) This policy shall automatically expire one (1) year from the effective date of the policy, unless the policy covers a period of three (3) years, in which event, it shall automatically expire three (3) years from the effective date of the policy. The termination either of a one (1) year or a three (3) year policy, is effective as to the employees of the insured covered by the policy."

(f) (5) (g) (5) All claims for compensation, nurse's charges, hospital services, hospital supplies, physician's fees, or burial expenses may be made directly against either the employer or the insurer or both, and the award of

the worker's compensation board may be made against either the employer or the insurer or both.

~~(f)~~ **(g)** **(6)** If any insurer shall fail to pay any final award or judgment (except during the pendency of an appeal) rendered against it, or its insured, or, if it shall fail to comply with this chapter, the worker's compensation board shall revoke the approval of its policy forms, and shall not accept any further proofs of insurance from it until it shall have paid the award or judgment or complied with this chapter, and shall have resubmitted its policy form and received the approval of the policy by the industrial board.

~~(g)~~ **(h)** No policy of insurance covering the liability of an employer for worker's compensation shall be construed to cover the liability of the employer under this chapter for any occupational disease unless the liability is expressly accepted by the insurance carrier issuing the policy and is endorsed in that policy. The insurance or security in force to cover compensation liability under this chapter shall be separate from the insurance or security under IC 22-3-2 through IC 22-3-6. Any insurance contract covering liability under either part of this article need not cover any liability under the other.

~~(h)~~ **(i)** For the purpose of complying with subsection ~~(b)~~; **(c)**, groups of employers are authorized to form mutual insurance associations or reciprocal or interinsurance exchanges subject to any reasonable conditions and restrictions fixed by the department of insurance. This subsection does not apply to mutual insurance associations and reciprocal or interinsurance exchanges formed and operating on or before January 1, 1991, which shall continue to operate subject to the provisions of this chapter and to such reasonable conditions and restrictions as may be fixed by the worker's compensation board.

~~(i)~~ **(j)** Membership in a mutual insurance association or a reciprocal or interinsurance exchange so proved, together with evidence of the payment of premiums due, is evidence of compliance with subsection ~~(b)~~; **(c)**.

~~(j)~~ **(k)** Any person bound under the compensation provisions of this chapter, contracting for the performance of any work exceeding one thousand dollars (\$1,000) in value, in which the hazard of an occupational disease exists, by a contractor subject to the compensation provisions of this chapter without exacting from the contractor a certificate from the worker's compensation board showing that the contractor has complied with subsections ~~(a)~~; ~~(b)~~; and ~~(c)~~; **(b)**, **(c)**, and **(d)**, shall be liable to the same extent as the contractor for compensation, physician's fees, hospital fees, nurse's charges, and burial expenses on account of the injury or death of any employee of such contractor, due to occupational disease arising out of and in the course of the performance of the work covered by such contract.

~~(k)~~ **(l)** Any contractor who sublets any contract for the performance of any work to a subcontractor subject to the compensation provisions of this chapter, without obtaining a certificate from the worker's compensation board showing that the subcontractor has complied with subsections ~~(a)~~; ~~(b)~~; and ~~(c)~~; **(b)**, **(c)**, and **(d)**, is liable to the same extent as the subcontractor for the payment of compensation, physician's fees, hospital fees, nurse's charges, and burial expense on account of the injury or death of any employee of the subcontractor due to occupational disease arising out of and in the course of the performance of the work covered by the subcontract.

~~(l)~~ **(m)** A person paying compensation, physician's fees, hospital fees, nurse's charges, or burial expenses, under subsection ~~(j)~~ **(k)** or ~~(k)~~ **(l)**, may recover the amount paid or to be paid from any person who would otherwise have been liable for the payment thereof and may, in addition, recover the litigation expenses and attorney's fees incurred in the action before the worker's compensation board as well as the litigation expenses and attorney's fees incurred in an action to collect the compensation, medical expenses, and burial expenses.

~~(m)~~ **(n)** Every claim filed with the worker's compensation board under this section shall be instituted against all parties liable for payment. The worker's compensation board, in an award under subsection ~~(j)~~; **(k)**, shall fix the order in which such parties shall be exhausted, beginning with the immediate employer and, in an award under subsection ~~(k)~~; **(l)**, shall determine whether the subcontractor has the financial ability to pay the compensation and medical expenses when due and, if not, shall order the contractor to pay the compensation and medical expenses.

SECTION 5. IC 22-3-7-34.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34.5. (a) As used in this section, "independent contractor" refers to a person described in IC 22-3-7-9(b)(5).

(b) As used in this section, "person" means an individual, a proprietorship, a partnership, a joint venture, a firm, an association, a

corporation, or other legal entity.

(c) An independent contractor who does not make an election under IC 22-3-7-9(b)(2) or IC 22-3-7-9(b)(3) is not subject to the compensation provisions of this chapter and must file a statement and obtain a validated affidavit of exemption under this section.

(d) An independent contractor shall file with the ~~worker's compensation board; Indiana department of state revenue~~, in the form prescribed by the ~~worker's compensation board; Indiana department of state revenue~~, a statement providing the following information:

(1) The independent contractor's name; trade name; address; and telephone number.

(2) The independent contractor's federal identification number or Social Security number.

containing the information required by IC 6-3-7-5 and obtain a certification of exemption.

(e) An independent contractor shall pay a filing fee in the amount of ~~five dollars (\$5)~~ **fifteen dollars (\$15)** with the ~~statement required in certificate filed under subsection (d); (g)~~. The fees collected under this subsection shall be deposited as follows:

(1) ~~Fifty percent (50%) in the worker's compensation supplemental administrative fund and shall be used for all expenses the board incurs.~~

(2) ~~Fifty percent (50%) into a special account in the state general fund known as the independent contractor information account. Money in the independent contractor information account is annually appropriated to the department of state revenue for its use in carrying out the purposes of IC 6-3-7-5.~~

(f) The worker's compensation board shall ~~keep each statement maintain a data base consisting of certificates received under this section on file and on request may verify that a validated affidavit is on file; certificate was filed.~~

~~(g) The affidavit of exemption required by this section must be on a form prescribed and provided by the worker's compensation board. An affidavit issued under this section is valid for one (1) year.~~

~~(h) An affidavit of exemption must certify the following information:~~

(1) ~~That the independent contractor has worker's compensation coverage for the independent contractor's employees in accordance with this chapter.~~

(2) ~~That the independent contractor desires to be exempt from being able to recover under the worker's compensation policy or self-insurance of a person for whom the independent contractor will perform work only as an independent contractor.~~

~~(i) (g) An affidavit A certificate of exemption must be filed with the worker's compensation board. The board shall validate the affidavit indicate that the certificate has been filed by stamping the affidavit certificate with the date of receipt and returning a validated stamped copy to the person executing the affidavit. A validated affidavit filing the certificate. A certificate becomes effective as of midnight on the date received: seven (7) business days after the date file stamped by the worker's compensation board. The board shall maintain the original affidavits filed and validated by the board: a data base containing in information required in subsections (e) and (g).~~

~~(j) Not more than thirty (30) days after the worker's compensation board receives an independent contractor's statement, validated affidavit, and filing fee required by this section; the worker's compensation board shall provide the department of state revenue with a copy of the statement and validated affidavit.~~

~~(k) (h) A person who contracts for services of another person not covered by this chapter to perform work must secure a copy of a validated affidavit issued stamped certificate of exemption filed under this section from the person hired. A person may not require a person who has provided a validated affidavit stamped certificate to have worker's compensation coverage. The worker's compensation insurance carrier of a person who contracts with an independent contractor shall accept a validated affidavit stamped certificate in the same manner as a certificate of insurance.~~

~~(l) An affidavit validated (i) A stamped certificate filed under this section is binding on and holds harmless for all claims:~~

(1) a person who contracts with an independent contractor after receiving a copy of the ~~validated affidavit stamped certificate~~; and

(2) the worker's compensation insurance carrier of the person who contracts with the independent contractor.

The independent contractor may not collect compensation under this chapter for an injury from a person or the person's worker's compensation carrier to whom the independent contractor has furnished a ~~validated affidavit~~ **stamped certificate**."

Page 5, line 7, delete "IC 22-3-2-14.5 (e)" and insert "**IC 6-3-7-5(e)**".

Page 5, line 9, delete "IC 22-3-2-14.5(j)" and insert "**IC 22-3-2-14.5(f) or IC 22-3-7-34.5(g)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1553 as printed February 9, 2001.)

L. LAWSON

Motion prevailed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:55 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1096

Representative Bauer called down Engrossed House Bill 1096 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks and Broden.

Engrossed House Bill 1097

Representative Stilwell called down Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and R. Young.

Engrossed House Bill 1120

Representative Becker called down Engrossed House Bill 1120 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and R. Young.

Engrossed House Bill 1140

Representative Liggett called down Engrossed House Bill 1140 for third reading:

A BILL FOR AN ACT concerning finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of

the passage of the bill. Senate sponsors: Senators Paul, Weatherwax, Craycraft, and Ford.

Engrossed House Bill 1190

Representative Kromkowski called down Engrossed House Bill 1190 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison and Craycraft.

Engrossed House Bill 1235

Representative Leuck called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Craycraft, Paul, and L. Lutz.

Engrossed House Bill 1267

Representative Tincher called down Engrossed House Bill 1267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Skillman and Blade.

Engrossed House Bill 1395

Representative Atterholt called down Engrossed House Bill 1395 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Craycraft, Lubbers, and Simpson.

Engrossed House Bill 1396

Representative Atterholt called down Engrossed House Bill 1396 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Simpson, Lubbers, and Craycraft.

Engrossed House Bill 1398

Representative V. Smith called down Engrossed House Bill 1398 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Bowser, and Waterman.

Engrossed House Bill 1468

Representative Robertson called down Engrossed House Bill 1468 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 53, nays 41. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators R. Meeks, R. Young, and Lewis.

Engrossed House Bill 1475

Representative GiaQuinta called down Engrossed House Bill 1475 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning veterans.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Alting.

Engrossed House Bill 1502

Representative Ayres called down Engrossed House Bill 1502 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Alexa.

Engrossed House Bill 1526

Representative Duncan called down Engrossed House Bill 1526 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Jackman, and Lewis.

Engrossed House Bill 1542

Representative Dillon called down Engrossed House Bill 1542 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Simpson.

Engrossed House Bill 1560

Representative Cherry called down Engrossed House Bill 1560 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1585

Representative Hinkle called down Engrossed House Bill 1585 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Clark.

Engrossed House Bill 1590

Representative Mellinger called down Engrossed House Bill 1590 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators .

Engrossed House Bill 1591

Representative Frenz called down Engrossed House Bill 1591 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server, R. Meeks, and Hume.

Engrossed House Bill 1644

Representative Becker called down Engrossed House Bill 1644 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no

objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Server and R. Young.

Engrossed House Bill 1661

Representative Herrell called down Engrossed House Bill 1661 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 78, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Jackman, Wheeler, and Lewis.

Engrossed House Bill 1674

Representative Crooks called down Engrossed House Bill 1674 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:35 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1705

Representative Bodiker called down Engrossed House Bill 1705 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

Engrossed House Bill 1710

Representative Bodiker called down Engrossed House Bill 1710 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 90, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1728

Representative Crawford called down Engrossed House Bill 1728 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage.

The question was, Shall the bill pass?

Roll Call 89: yeas 52, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Howard and Breaux.

Engrossed House Bill 1739

Representative Kruzan called down Engrossed House Bill 1739 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 93, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Clark, L. Lutz, and Simpson.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1272, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 11, after "5(d)," delete "or".

Page 8, line 11, after "7" insert ",".

Page 8, line 11, reset in roman "or 8".

Page 8, line 40, strike "sixteen (16)" and insert "**eighteen (18)**".

Page 8, after line 42, begin a new paragraph and insert:

"SECTION 6. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person shall not **knowingly** sell at retail ~~or offer for sale at retail~~ **to a person who is less than eighteen (18) years of age** any fireworks, novelties, or trick noisemakers other than the following:

(1) ~~Dipped sticks~~ **or** Wire sparklers. ~~However,~~ Total pyrotechnic composition may not exceed one hundred (100) grams per item. ~~Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.~~

(2) ~~Cylindrical fountains.~~

(3) ~~Cone fountains.~~

(4) ~~Illuminating torches.~~

(5) ~~Wheels.~~

(6) ~~Ground spinners.~~

(7) ~~Flutter sparklers.~~

(8) (2) Snakes or glow worms.

(9) (3) Smoke devices.

(10) (4) Trick noisemakers, which include:

(A) Party poppers.

(B) Booby traps.

(C) Snappers.

(D) Trick matches.

(E) Cigarette loads.

(F) Auto burglar alarms.

(b) The following defenses are available to a person accused of selling fireworks other than those set forth in subsection (a) to a person who is less than eighteen (18) years of age:

(1) The buyer or recipient produced a driver's license bearing

the purchaser's or recipient's photograph, showing that the purchaser or recipient was of legal age to make the purchase.

(c) A person less than eighteen (18) years of age who:

- (1) purchases fireworks other than those set forth in subsection (a);
- (2) accepts fireworks other than those set forth in subsection (a);
- (3) possesses fireworks other than those set forth in subsection (a); or
- (4) uses fireworks other than those set forth in subsection (a);

commits a Class C misdemeanor.

(d) It is a defense under subsection (c) that the accused person accepted or possessed fireworks in the ordinary course of employment in a business concerning fireworks.

SECTION 7. IC 22-11-14-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The state fire marshal is charged with the responsibility of enforcing **sections 2, 3, 5, and 7** of this chapter."

Page 9, line 1, delete "THE FOLLOWING ARE" and insert "IC 22-11-14-10 IS".

Page 9, line 2, delete "PASSAGE]; IC 22-11-14-8; IC 22-11-14-10." and insert "PASSAGE].".

Renumber all SECTIONS consecutively.

(Reference is to HB 1272 as introduced.)

and when so amended that said bill do pass.

Committee Vote: 12 yeas, 0 nays.

Report adopted.

FRY, Chair

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-44-4 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 4. Interference With A Firefighter

Sec. 1. As used in this chapter, "dispatched firefighter" means a member of:

- (1) the fire company having jurisdiction over an emergency incident area; or
- (2) a fire company that has entered into a mutual aid agreement with the fire company having jurisdiction over an emergency incident area;

who has been dispatched by the local fire department having jurisdiction over the particular emergency incident area.

Sec. 2. As used in this chapter, "emergency incident area" means the area surrounding a structure, vehicle, property, or area that is:

- (1) defined by police or firefighters with flags, barricades, barrier tape, or other markers; or
- (2) one hundred and fifty (150) feet in all directions from the perimeter of the emergency incident;

whichever is greater.

Sec. 3. As used in this chapter, "firefighter" has the meaning set forth in IC 9-18-34-1.

Sec. 4. As used in this chapter, "fire protective clothing and fire protective gear" includes any of the following items generally used by firefighters:

- (1) Outer fire retardant clothing and headgear.
- (2) Fire gloves.
- (3) Selfcontained breathing apparatus.
- (4) Emergency medical services protective gear.
- (5) Hazardous materials protective gear.

Sec. 5. A person who is not a firefighter who knowingly or

intentionally refuses to leave an emergency incident area immediately after being requested to do so by a firefighter or law enforcement officer commits a Class A misdemeanor.

Sec. 6. A firefighter who:

- (1) has not been dispatched to an emergency incident area;
- (2) enters an emergency incident area; and
- (3) refuses to leave an emergency incident area immediately after being requested to do so by a dispatched firefighter or law enforcement officer;

commits a Class C infraction.

Sec. 7. A person other than a firefighter who, with intent to mislead a firefighter or law enforcement officer as to the person's status as a dispatched firefighter, knowingly or intentionally enters an emergency incident area while wearing, transporting, or otherwise possessing a uniform, protective clothing, or protective gear commits a Class D felony.

Sec. 8. A person who knowingly or intentionally obstructs or interferes with a firefighter performing or attempting to perform the firefighter's emergency functions or duties as a firefighter commits obstructing a firefighter, a Class A misdemeanor.

SECTION 2. IC 35-44-3-8 IS REPEALED [EFFECTIVE JULY 1, 2001].

(Reference is to HB 1288 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 2.

DVORAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

LYTLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1549, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

FRY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1556, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, after line 39, begin a new paragraph and insert:

"SECTION 3. IC 22-3-7-16, AS AMENDED BY P.L.31-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board

and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; ~~or~~
- (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease; ~~or~~
- (6) the employee returns to work with limitations or restrictions, and the employer converts temporary total disability or temporary partial disability compensation into disabled from trade compensation under section 16.5 of this chapter.**

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any

overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which he is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease in the following schedule, the employee

shall receive in lieu of all other compensation, on account of such disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages.

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such disabilities respectively.

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (½) of the thumb or toe and compensation shall be paid for one-half (½) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half (½) the finger and compensation shall be paid for one-half (½) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand,

thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth (1/10) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (h) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the

entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half (½) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third (1/3) of the finger and compensation shall be paid for one-third (1/3) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but not more than two (2) phalanges of the finger shall be considered as the loss of one-half (½) of the finger and compensation shall be paid for one-half (½) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth (1/10) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, (10) ten degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (3), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (4), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(h) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection (d) and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992,

and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars (\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(i) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (g) and (h) shall not exceed the following:

(1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to disablements occurring on or after July 1, 1993,

and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, eight hundred eighty-two dollars (\$882).

(j) If any employee, only partially disabled, refuses employment suitable to his capacity procured for him, he shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(k) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which he suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(l) If an employee suffers a disablement from occupational disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, he shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (g)(1), (g)(2), (g)(3), (g)(6), or (g)(7); but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(m) If an employee receives a permanent disability from occupational disease such as specified in subsection (g)(1), (g)(2), (g)(3), (g)(6), or (g)(7), after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(n) When an employee has been awarded or is entitled to an award of compensation for a definite period under this chapter for disability from occupational disease, which disablement occurs on and after April 1, 1951, and prior to April 1, 1963, and such employee dies from any other cause than such occupational disease, payment of the unpaid balance of such compensation, not exceeding three hundred (300) weeks, shall be made to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter, and compensation, not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter. When an employee has

been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(o) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(p) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(q) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(r) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(s) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee himself.

SECTION 4. IC 22-3-7-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 16.5. (a) If an employee:**

- (1) suffers an occupational disease that results in a temporary total disability or a temporary partial disability; and**
- (2) is capable of performing work with permanent limitations or restrictions that prevent the employee from returning to the position the employee held before the employee's occupational disease;**

the employee may receive disabled from trade compensation.

(b) An employee may receive disabled from trade compensation for a period not to exceed:

- (1) fifty-two (52) consecutive weeks; or**
- (2) seventy-eight (78) aggregate weeks.**

(c) An employee is entitled to receive disabled from trade compensation in a weekly amount equal to STEP FOUR of the following formula:

STEP ONE: Determine the employee's average weekly earnings from employment with limitations or restrictions that is entered after the employee's occupational disease, if any.

STEP TWO: Determine the employee's average weekly earnings from employment before the employee's occupational disease.

STEP THREE: Determine the greater of:

- (A) the STEP TWO result minus the STEP ONE result; or**
- (B) zero (0).**

STEP FOUR: Determine the lesser of:

- (A) the STEP THREE result; or**
- (B) seven hundred sixty-two dollars (\$762).**

(d) Not later than sixty (60) days after the employee's release to return to work with restrictions or limitations, the employee must

receive notice from the employer on a form provided by the board that informs the employee that the employee has been released to work with limitations or restrictions. The notice must include:

- (1) an explanation of the limitations or restrictions placed on the employee;
- (2) the amount of disabled from trade compensation the employee has been awarded; and
- (3) information for the employee regarding the terms of this section.

(e) Disabled from trade compensation is in addition to any other compensation awarded to an employee as a result of a temporary total disability or a permanent partial impairment.

(f) An employer may unilaterally convert an award of compensation for a temporary total disability or a temporary partial disability into disabled from trade compensation by filing a copy of the notice required under subsection (d) with the board."

Renumber all SECTIONS consecutively.

(Reference is to HB 1556 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 3.

LIGGETT, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, Corporations and Small Business, to which was referred House Bill 1879, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 38, delete "If" and insert "**Except as provided in subsection (g), if**".

Page 5, between lines 41 and 42, begin a new paragraph and insert:

"(g) **A managed care organization may not implement a change to the formulary regarding a single source drug unless the change is approved by the office after receiving an affirmative vote from a majority of the board members.**"

Page 5, line 42, delete "(g)" and insert "(h)".

(Reference is to HB 1879 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 13, nays 0.

CROOKS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1893, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 1.

DVORAK, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1091, 1136, 1786, and 1879 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the following reassignment:

House Bill 1649 from the Committee on Judiciary to the Committee on Human Affairs.

House Bill 2055 from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Kersey's second reading amendment to House Bill 1796), Roll Call 64, on February 13, 2001. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the Yea button when I intended to vote Nay."

KRUZAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 64 to 57 yeas, 35 nays. The corrected roll call is printed with this Journal.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Duncan be added as coauthor of House Bill 1022.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Becker be added as coauthor of House Bill 1039.

V. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thompson be added as coauthor of House Bill 1040.

OXLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Munson, Kuzman, and D. Young be added as coauthors of House Bill 1071.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1077 be withdrawn.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as coauthor of House Bill 1140.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1217.

BISCHOFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer, Steele, and Tincher be added as coauthors of House Bill 1248.

EVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Atterholt be added as coauthor of House Bill 1272.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Adams and Steele be added as coauthors of House Bill 1288.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ulmer be added as coauthor of House Bill 1293.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Aguilera and Stevenson be added as coauthors of House Bill 1395.

ATTERHOLT

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Robertson be removed as author of House Bill 1469, Representative Porter be substituted as author, and Representative Robertson be added as coauthor.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Ruppel, Klinker, Kuzman, Bischoff, Liggett, Scholer, and Duncan be added as coauthors of House Bill 1475.

GIA QUINTA

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Scholer and Goeglein be added as coauthors of House Bill 1499.

BAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Sturtz be added as coauthor of House Bill 1532.

DILLON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Gregg be added as coauthor of House Bill 1591.

FRENZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Weinzapfel be added as coauthor of House Bill 1676.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as coauthor of House Bill 1727.

CRAWFORD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dickinson and Buck be added as coauthors of House Bill 1786.

LIGGETT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Dumezich, L. Lawson, and Ayres be added as coauthors of House Bill 1908.

STEVENSON

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frenz be added as coauthor of House Bill 1977.

T. ADAMS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dillon be added as coauthor of House Bill 2115.

V. SMITH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Mannweiler the House adjourned at 5:20 p.m., this thirteenth day of February, 2001, until Wednesday, February 14, 2001, at 1:00 p.m.

JOHN R. GREGG

Speaker of the House of Representatives

LEE ANN SMITH

Principal Clerk of the House of Representatives